

CITY OF MUSKEGON
MUSKEGON HOUSING BOARD OF APPEALS
MEETING MINUTES
06/07/2012
5:30 PM

ATTENDANCE: Randy Mackie, Greg Borgman, Ed Simmons, Willie German, Kirk Kolberg, William Krick

ABSENT:

EXCUSED:

STAFF: Carmen Smith, Henry Faltinowski, Jim Hoppus, Don LaBrenz, Chief Jeffrey Lewis

GUESTS: David Wolti(1988 Nevada), David Brooks(594 Apple), Mike Wyman(1692 Elwood)

Meeting minutes: A motion was made by Randy Mackie and seconded by Ed Simmons to approve the May 2012 minutes.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
Greg Borgman				
Randy Mackie				
William Krick				
Ed Simmons				
Kirk Kolberg				
Willie German				

Motion carried.

PROPERTY MAINTENANCE CODE APPEAL CASES

1988 Nevada – David Wotli – 1724 Beidler, Muskegon, MI

Mr. David Wotli was present to represent case. Ken Murar, housing inspector stated a rental inspection was conducted and the electrical was looked at to see if in good working order. He noted that it has a 125 amp breaker box which requires #2 wires. The outside has old round meter socket with #6 wires. The #6 wire has a maximum of 60 amps, so potential safety/fire hazard overloading the #6 wires. Service needs to be updated. Ed Simmons asked if this involved just the panel or whole structure. Ken Murar stated just the electrical service. He

noted the panel may be usable but meter socket and wires coming to it need to be upgraded to size of main breaker. Commissioner German asked what was reason for not repairing. Mr. Wotli stated there had been a storm two year ago which resulted in wires torn down and sent hot voltage down, Consumers Power came out inspected, corrected problem, approved hook it back up. He stated that the company that supplies the power deemed it safe and hooked it back up and now inspector comes along and says it's not right which he has a problem with. William Krick stated the power company is not responsible for anything after the meter. Greg Borgman said Ken Murar has to enforce the code. Mr. Wotli asked if he had to replace the mast. Ken Murar said an electrical contractor with a permit has to make the corrections and then a certificate would be issued. The contractor would identify what is needed.

Motion made by Ed Simmons to deny appeal and was seconded by Kirk Kolberg.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
Greg Borgman				
Randy Mackie				
William Krick				
Ed Simmons				
Kirk Kolberg				
Willie German				

Motion carried.

DANGEROUS BUILDING REVIEW CASES

EN-120013 – 1660 DYSON – ESTATE OF MARSHALL REDDER, C/O 161 OTTAWA, NW, STE 212; GRAND RAPIDS, MI 49503

No one was present to represent property.

Greg Borgman noted letter received from attorney stating proposal to assign property and \$10,000 restitution over to City of Muskegon. Chief Jeffrey Lewis stated case was brought to board last month, it was tabled, he consulted with City Attorney and the City does not wish the property to be conveyed to City nor pursue the restitution order.

Staff Recommendation: Declare the structure substandard, dangerous and a public nuisance.

Motion was made by Randy Mackie to accept staff recommendation to declare the structure substandard, dangerous and a public nuisance and was seconded by Ed Simmons.

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
William Krick
Ed Simmons
Kirk Kolberg
Willie German

NAYES:

EXCUSED:

ABSENT:

ABSTENTION:

Motion carried.

EN-120025 – 1692 Elwood – 37 E. Main LLC, P.O. Box 652, Lake Odessa, MI 48849

Mike Wyman was present to represent property.

He stated he is Business Operation partner of the organization and a timeline was submitted. This was the company first fore ray in the City of Muskegon. He said his observation is that various departments are disjointed, certain information was not relayed. The timeline submitted is according to their abilities and would allow them to take advantage of programs the City offers. Don LaBrenz stated timeline submitted had a complete date of February 1, 2013 and not much substantive work being before September 2012. He stated the building is open to weather and continues to deteriorate and they are of the opinion if the homeowner wants to save the building he needs to be more aggressive. Bill Krick asked if time had been spent in boarding property. Mr. Wyman said property was purchased in a lot of properties and said the roof was an issue that his partner said they should bump up repairs. He said they have a lot invested in properties and are taking steps to be fiscally responsible the best way they can. They have applied for lead abatement grant and will not be eligible to take advantage of program until September which is the reason for stalling until September. They want to do what they can to secure the place. Greg Borgman said there has been a history of people purchasing site unseen. Mr. Wyman said properties were looked at prior to purchasing but surprised no one has ascertained their ability to repair or complete project. Chief Lewis stated property was purchased in September 2011 and wanted to know what measure have been taken to fix roof, windows, etc. Mr. Wyman said properties have been secured but improvements are not retroactive to the programs offered. Henry Faltinowski said the roof system is failing and water damage continues every time it rains, garage is being dumped in yard, brush growing. Mr. Wyman said file shows this property is been under consideration for some time and now that it's been bought and taxes paid that now action is being taken. Don LaBrenz said Inspections was not aware that property was purchased when case was put on dangerous building list. Chief Lewis stated conditions of this property has turned for worse and there is a immediate responsibility of owner to start repairs and the proposed timeline is to long for property to sit in present condition. Mr. German asked about projected timeline to repair the roof. Mr. Wyman answered 60 days. Greg Borgman asked about projected cost. Mr. Wyman said about \$25,000. Don LaBrenz said staff recommendation would be to declare structure substandard, dangerous and public nuisance but would not mean structure would be torn

down tomorrow but opportunity still open to submit reasonable timeline because if structure is rehabilitated everybody wins. Mr. Wyman said as he stands here he would feel trepidation of investing in property that has been condemned. Don Labrenz stated this is the first step and is not condemned until it goes before City Commission. Greg Borgman in behalf board said no one wants to see it fail but they have to do their job to protect safety of public. Chief Lewis said present timeline is not acceptable. Don Labrenz said there had been no opportunity to discuss timeline since timeline was turned in on Tuesday. Mr. Wyman questioned if all the work had to be done in 4 months or roof, windows done in 60 and rest in 7 months. Don LaBrenz said usually work is on a fixed timeline but if progress is being made it's not out of question for extension to be granted. Chief Lewis stated the biggest concern is the blight and if there had been evidence of progress of any work done. He stated that pictures were taken 3 months ago and issues are getting worst.

Motion made by William Krick to table for 30 days with owner to repair roof, yard to be addressed in 30 days and establish timeline for repairs motion seconded by Willie German.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
Greg Borgman				
Randy Mackie				
William Krick				
Ed Simmons				
Kirk Kolberg				
Willie German				

Motion carried.

EN-120034 – 594 E. Apple – Brooks Rental Prop – 12603 VanWagoner Ave., Grant , MI 49327

David Brooks was present to represent property.

Mr. Brooks stated his intention was to fix house but came in to apply for building permit and was denied. Kirk Kolberg asked if property was going to be rental, which Mr. Brooks said yes. He said he sent licensed contractor to obtain permit but was told that they needed to speak with him. He said he was requested to provide a timeline and before he could produce it he got the notice for the HBA meeting posted to home. Mr. LaBrenz stated the condemnation process had already started and that a timeline was needed and to date had not received one. Mr. Brooks said he was at the structure when notice was posted. He said it was quite fixable. He said he had 4 property fires and they fixed 3 but had not gotten to property in question. Chief Lewis asked if property was insured. Mr. Brooks said property had previous fire and insurance company would not renew. Chief Lewis said he noticed property last year and little or no work had been done. Randy Mackie asked when could repairs be completed which Mr. Brooks stated by September, the outside could be done sooner. There was discussion

amongst board regarding timeline. Mr. German asked how much of roof was damaged. Mr. Brooks said it was just one area on roof with no leakage inside. He stated the windows were broken by fire department. Mr. Brooks said he keeps the grass mowed and neighbors park their car there so it looks like someone lives there.

Motion made by Randy Mackie to table case with exterior to be repaired in 60 days and within 30 days meet with Inspections to work out timeline for remaining items seconded by Willie German

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
Greg Borgman				
Randy Mackie				
William Krick				
Ed Simmons				
Kirk Kolberg				
Willie German				

Motion carried.

OLD BUSINESS:

NEW BUSINESS:

ADJOURNMENT: 6:25 PM

CITY OF MUSKEGON

AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETINGS OF THE CITY COMMISSION AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES.

The City of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, upon twenty-four hours notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by writing or calling the following.

Ann Cummings, City Clerk
933 Terrace Street
Muskegon, MI 49443
(231) 724-6705 or TDD (231) 724-6773